

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Senanayake *et al.*

Conf. No.: 5396

Application No.: 10/643,941

Group Art Unit: 1621

Filed: August 20, 2003

Examiner: B. Davis

For: METHODS OF PREPARING
DIDESMETHYLSIBUTRAMINE
AND OTHER SIBUTRAMINE
DERIVATIVES

Attorney Docket No.: 4821-522

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sepracor Inc. is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,610,887 ("the '887 patent") by virtue of an assignment from Chris H. Senanayake, Zhengxu Han, Dhileepkumar Krishnamurthy, and Derek Pflum to Sepracor Inc.

Sepracor Inc. is also the assignee of the entire right, title and interest in and to the above-identified application by virtue of the same assignment because the '887 patent is a parent of this application.

Sepracor Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the '887 patent, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '887 patent.

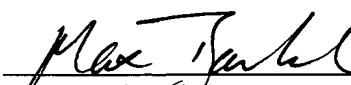
Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of '887 patent in the event that the '887 patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination

certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

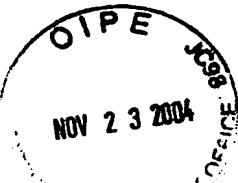
A fee of \$ 110.00 is believed due under 37 C.F.R. 120(d) for the submission of this terminal disclaimer. Please charge this, and any other required fees, to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully submitted,

Date November 23, 2004

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